

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

PAULINE PESTKA,

Plaintiff,

vs.

ST. ELIZABETH'S HOSPITAL OF THE  
HOSPITAL SISTERS OF THE  
THIRD ORDER OF ST. FRANCIS,  
CRYSTAL M. CARMICHAEL, M.D.,  
ADRIAN L. BARCUS, M.D., and  
ANWAR KHAN, M.D.,

Defendants.

Civil No. 11-cv-00018-MJR-PMF

**NOTICE OF REMOVAL**

Come now the United States of America and defendant Adrian L. Barcus, M.D., by their attorneys, Stephen R. Wigginton, United States Attorney for the Southern District of Illinois, and James M. Hipkiss, Assistant United States Attorney, and for their notice of removal pursuant to 28 U.S.C. § 2679(d)(2), state as follows:

1. Defendant Adrian L. Barcus, M.D., is a defendant in a civil action now pending. A copy of the summons and complaint is attached as Exhibit A.

2. In the complaint, plaintiff alleges that defendant Adrian L. Barcus, M.D. committed medical negligence.

3. This action is removable pursuant to 28 U.S.C. § 2679(d)(2). Defendant Adrian L. Barcus, M.D. was at all relevant times acting within the scope of his employment for the United States of America, Department of the Air Force. Pursuant to 28 U.S.C. § 2679(d)(2), the Attorney

General, through the United States Attorney, has certified that defendant Adrian L. Barcus, M.D. was acting within the scope of his office or employment with the United States of America, Department of the Air Force, at the time the claim arose. See Exhibit B.

4. Upon certification, any civil proceeding in a state court shall be removed to the United States District Court, and such action shall be deemed to be against the United States as a substituted party. 28 U.S.C. § 2679(d)(2). Therefore, upon the certification, the case is removable.

5. Copies of the notice of removal are being served upon the plaintiff and the Office of the Clerk of the Circuit Court of the Twentieth Judicial Circuit, St. Clair County, Illinois.

WHEREFORE, the United States of America and defendant Adrian L. Barcus, M.D. respectfully remove this action to the United States District Court for the Southern District of Illinois pursuant to 28 U.S.C. § 2679(d)(2).

Respectfully submitted,

STEPHEN R. WIGGINTON  
United States Attorney

/s/ James M. Hipkiss  
JAMES M. HIPKISS  
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**Certificate of Service**

I hereby certify that on January 7, 2011, I electronically filed **Notice of Removal** with the Clerk of Court using the CM/ECF system. Copies were mailed to the following:

Circuit Clerk  
St. Clair County Courthouse  
10 Public Square  
Belleville, IL 62220

Michael J. Nester  
Donovan, Rose, Nester & Joley, P.C.  
8 East Washington Street  
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/s/ **James M. Hipkiss**  
JAMES M. HIPKISS  
Assistant United States Attorney